

## **CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD**

### **Interim Final Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Disseminated Information**

**AGENCY:** Chemical Safety and Hazard Investigation Board

**ACTION:** Notice; request for comment

**SUMMARY:** The Chemical Safety and Hazard Investigation Board (CSB) implements these Guidelines pursuant to Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001, Pub. L. No. 106-554, and government-wide Guidelines issued by the Office of Management and Budget (OMB), OMB Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies, 67 Fed. Reg. 8452 (Feb. 22, 2002) (OMB Guidelines). The purpose of the OMB guidelines is to ensure and maximize the quality, objectivity, utility, and integrity of information, including statistical information, disseminated by Federal agencies that are subject to the Paperwork Reduction Act, 44 U.S.C. Section 3502(1). As is the intent of OMB's Guidelines, CSB's Guidelines will focus primarily on the dissemination of substantive information rather than information pertaining to basic agency operations. The Guidelines also apply to information other parties provide to the CSB, if the other parties seek to have the CSB rely upon or disseminate this information or if the CSB decides to rely upon or disseminate the information. Through these guidelines, the CSB establishes as its performance standard a goal of disseminating information consistent with the OMB and CSB guidelines.

The CSB's pre-dissemination review described in section IV applies to information that the CSB first disseminates on or after October 1, 2002. The administrative mechanism for correcting information that the CSB disseminates applies to information the CSB disseminates on or after October 1, 2002, regardless of when the CSB first disseminated the information.

These Guidelines are suggestions, recommendations, and policy views of the CSB. They are not intended to be, and should not be construed as, legally binding regulations or

mandates. They do not create any right or benefit, substantive or procedural, enforceable at law or equity, by any party against the United States, its agencies (including the CSB), officers, or employees, or any person.

**DATES:** Comments are due by the close of business on May 30, 2003.

**ADDRESSES:** Comments should be sent to Christopher Warner, General Counsel, Chemical Safety and Hazard Investigation Board, 2175 K Street, NW, Suite C-100, Washington, DC 20037. The CSB will publish its information quality standards on its Web site: [www.csb.gov](http://www.csb.gov).

**FOR FURTHER INFORMATION CONTACT:** Christopher Warner, General Counsel, Chemical Safety and Hazard Investigation Board, 2175 K Street, NW, Suite C-100, Washington, DC 20037; (202) 261-7600.

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## **I. Definitions**

The definitions set forth below are consistent with the definitions provided in the OMB Guidelines. Unless otherwise stated, information dissemination outside the scope of these definitions is not subject to these Guidelines.

A. "Information" means any communication or representation of knowledge such as facts or data, not opinion, in any medium or form. Information includes textual, numerical, graphic, cartographic, narrative, or audiovisual forms. This definition also includes information that the CSB disseminates from its Web site, but does not include the provision of hyperlinks to information that others disseminate. This definition does not include CSB opinions or conclusions. This definition also does not include information that the CSB has indicated is someone's individual opinion.

B. "Dissemination" means agency initiated or sponsored distribution of information intended for the public; excluding:

1. Information not intended for public dissemination;
2. Distribution intended only for government employees or contractors;
3. Procedural, operational, policy, and internal documents prepared for the management and operations of the CSB that are not primarily intended for public dissemination;
4. Information designated as "Classified," "Unclassified Controlled," or "Official Use Only";
5. Outdated or superseded information;
6. Government information intended for intra- or inter-agency use or sharing;
7. Information items intended for inter-agency transmittals or congressional compliance and provided to members of the public as a courtesy;

8. Responses to requests for agency records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act, or other similar law;
9. Other correspondence with individuals or persons not intended for public dissemination, including, but not limited to, written agreements with particular entities or parties;
10. Press releases;
11. Fact sheets, press conferences, or similar communications in any medium that announce, support the announcement, or give public notice of information the CSB has disseminated elsewhere;
12. Archival records (e.g., library materials);
13. Public filings, including, but not limited to, submissions in rulemakings or other CSB proceedings or matters, requests, petitions, applications, supporting materials, etc. The Guidelines do not apply when the CSB distributes this information simply to provide the public with quicker and easier access to materials submitted to the CSB that are publicly available. This will generally be the case if the CSB has not authored the filings, is not distributing the information in a manner that suggests that the CSB endorses or adopts the information, and does not indicate in its distribution that it is using or proposing the use of the information to formulate or support a regulation, guidance, or other CSB decision or position;
14. Opinions presented to Congress in response to congressional requests or statutes and not intended for dissemination to the public;
15. Subpoenas or discovery orders issued in proceedings or court litigation, Orders, opinions, amicus, and other briefs. Because there are well-established procedural safeguards and rights to address the quality of factual allegations and adjudicatory decisions, and to provide persons with an opportunity to contest decisions, these Guidelines do not impose any additional requirements on the

CSB during adjudicative proceedings and do not provide parties to such proceedings any additional rights of challenge or appeal;

16. Legally required disclosures, notices, or other information disseminated by persons or entities other than the CSB, where the text of such disclosures, notices, or information is not explicitly prescribed or specified by the CSB itself; and
17. Studies, statements, other issuances, or publications by CSB employees, officials, contractors, consultants, or others who may be or have been paid, employed, or retained by the CSB, where the issuance or publication is not represented as being an official position of the CSB or used by the CSB in support of its official position. Conversely, if the CSB has directed a third party to disseminate information or retains the authority to review and approve the information upon release, then the CSB has sponsored the dissemination of the information and the information may be considered a CSB dissemination.

C. "Information dissemination product" means any report, paper, map, machine-readable material, audiovisual production, or other documentary material, regardless of physical form or characteristic, the agency disseminates to the public. This definition includes any electronic document, storage media, or Web page.

D. "Quality" is an encompassing term comprising utility, objectivity, and integrity.

E. "Utility" refers to the usefulness of the information to its intended users, including the public. When transparency of information is relevant for assessing the information's usefulness from the public's perspective, transparency is addressed to the extent practicable and appropriate in the CSB's review of the information. There may be legal limitations, however, on the CSB's ability to make publicly available the data or methods underlying a particular information dissemination product, and persons seeking access to such data or methods must comply with certain CSB requirements and procedures for requesting such access.

F. "Objectivity" involves two distinct elements – presentation and substance:

1. "Objectivity" includes whether disseminated information is being presented in an accurate, clear, complete, and unbiased manner, including whether the information is presented within a proper context and identifying the source of the disseminated information to the extent possible in light of confidentiality protections, if any. In a scientific, financial, or statistical context, the CSB may make supporting data and models publicly available so the public can assess whether there may be reasons to question the objectivity of the sources. Where appropriate, data should have full, accurate, transparent documentation, and error sources affecting data quality should be identified and disclosed to users, subject to any applicable restrictions on disclosure.
2. "Objectivity" also involves a focus on ensuring accurate, reliable, and unbiased information. In a scientific, financial, or statistical context, original and supporting data are normally generated, and the analytic results are normally developed, using sound statistical and research methods.
3. To ensure "objectivity" in instances where the CSB is responsible for disseminating "influential scientific, financial, or statistical information," the CSB shall ensure transparency of data and methods to facilitate the reproducibility of such information by qualified third parties, consistent with any applicable limitations on disclosure.

G. "Integrity" refers to the security of information, i.e., protection of the information from unauthorized access or revision, to ensure that the information is not compromised through corruption or falsification.

H. "Influential," when used in the phrase "influential scientific, financial, or statistical information," means that the CSB can reasonably determine that dissemination of information, prepared for public distribution, will have or does have a clear and substantial impact on important public policies or important private sector decisions. Whether a particular CSB dissemination of information is "influential" will depend on the

nature of the issues for which the CSB is responsible and the relationship of the information dissemination product to those issues.

In non-rulemaking contexts, the CSB will consider two factors – breadth and intensity – in determining whether information is influential. The CSB will consider whether the information affects a broad range of parties. Information that affects a broad, rather than narrow, range of parties is more likely to be influential. The CSB will also consider the intensity of the information's impact. Information that has a modest impact on affected parties is less likely to be influential than information that can have a significant impact. The definition applies to "information" itself, not to decisions that the information may support. Even if a decision or action by the CSB is itself very important, a particular piece of information supporting it may or may not be "influential."

I. "Reproducibility" means that the information is capable of being substantially reproduced, subject to an acceptable degree of imprecision. As provided in the OMB Guidelines, this standard does not apply to all agency information or data, but only to "influential scientific or statistical information," if any, disseminated by the CSB.

1. Original or supporting data: The CSB may identify and/or limit the specific types of such data that can practicably be "reproduced," given ethical, feasibility, or confidentiality constraints and, in doing so, may consult, as needed, with relevant scientific and technical communities. The CSB shall assure reproducibility for those kinds of original and supporting data according to commonly accepted scientific, financial, or statistical standards.
2. Analytic results relating to original or supporting data: All analytic results shall undergo robustness checks through the CSB's rigorous internal quality review process.
3. Analysis of risks to human health, safety, and the environment disseminated by the CSB, if any: The CSB will apply, as appropriate and feasible, the standards set forth in the Safe Drinking Water Act, 42 U.S.C. Section 300g-1(b)(3)(A), and when promulgating regulations the CSB will apply, as appropriate and feasible,

the standards set forth in the Safe Drinking Water Act, 42 U.S.C. Section 300g-1(b)(3)(B).

J. "Affected persons" are people who may benefit from or be harmed by the disseminated information.

## **II. The CSB's Role in Public Information Dissemination**

The CSB disseminates the following safety information products:

- Investigation Reports;
- Safety Studies;
- Safety Alerts;
- Case Studies;
- Investigation Digests; and
- Similar safety information material.

The primary purpose of CSB products is to promote safety improvements in the operations or oversight of public and private organizations, resulting in the prevention of chemical accidents. The primary audience for CSB products is persons, groups, or organizations that can bring about changes in chemical safety through action on the CSB's safety recommendations. The Congress, state and local policymakers, industry, media, and public, who can influence the actions of the recommendation recipients, are also important audiences. The type of audience and the technical knowledge of the audience vary greatly, depending on the document's subject and the safety issues presented. The CSB does not intend its reports and recommendations to be read only by technicians and specialists in the chemical industry.

## **III. The CSB's Commitment to Quality Information Dissemination**

The following quality principles apply as a matter of policy to information disseminated by the CSB:



A. Information that the CSB prepares for public dissemination, including factual or statistical data, shall meet basic standards of quality, including objectivity, utility, and integrity.

B. The CSB treats information quality as an integral part of achieving its performance goals and takes appropriate steps to incorporate information quality criteria into information dissemination practices.

C. The specific quality standards that the CSB adopts in a particular case shall be appropriate for the type of information being disseminated. These Guidelines explain how the CSB achieves information quality, objectivity, utility, and integrity. The Guidelines also describe the administrative mechanism by which affected persons may seek correction of CSB disseminated information that they believe does not comply with Section 515, OMB Guidelines, or CSB Guidelines.

#### **IV. Procedures for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Prior to Dissemination**

##### **A. Objectivity and Utility of Information**

1. As defined in Section I, above, “objectivity” is a measure of whether disseminated information is accurate, reliable, and unbiased and whether that information is presented in an accurate, clear, complete, and unbiased manner. “Utility” refers to the usefulness of the information for the intended audience’s anticipated purposes. The CSB is committed to disseminating reliable and useful information. Before disseminating information, CSB staff and Board Members subject such draft information to an extensive review process. It is the primary responsibility of the Office drafting information intended for dissemination to pursue the most knowledgeable and reliable sources reasonably available to confirm the objectivity and utility such information.
2. In seeking to assure the objectivity and utility of the information it disseminates, the CSB follows a quality control process coordinated by the Lead Office drafting information intended for dissemination, typically the Office of Investigations and

Safety Programs. The Lead Office also consults with all Offices throughout the CSB having substantial interest or expertise in the proposed safety product.

Where appropriate and as described below, substantive input also will be sought from other government agencies, non-government organizations, other interested parties and the public.

3. Some of the information the CSB disseminates consists of or is based on information submitted to the CSB by other Federal agencies. The CSB expects that other Federal agencies will subject information submitted to them for purposes of public dissemination to adequate quality control measures. In drafting the material to be disseminated, the Lead Office will review and verify the data submitted by these agencies, as necessary and appropriate.
4. The Office of Investigations and Safety Programs will generally take the following basic steps to assure the “objectivity” and “utility” of the information to be disseminated in a final investigation report:
  - a. A thorough review of the accuracy and completeness of source data to be used in the preparation of the report;
  - b. Preparation of a draft report based on data collected in the course of the investigation, appropriate research, and consultations with all necessary offices within the CSB;
  - c. Clearance of the draft report with the company or other entities that are the subject of the investigation for trade secrets, confidential business information (CBI), and factual accuracy issues;
  - d. Following clearance for trade secrets and CBI as described above, the Investigator-in-Charge (IIC) will then seek review and comments on the factual portions of the report with other appropriate parties, and revise the report to correct any factual error discovered during this process.
  - e. Ordinarily, the IIC will provide the draft report or relevant portions of the report for confidential review by (a) any federal, state, or local authorities that

investigated the incident; and (b) other organizations with a significant involvement in the incident.

- f. To the extent the draft report may address technical issues on which external expertise may assist the CSB in improving the quality of the report, the IIC should arrange for one or more appropriate reviews by outside qualified experts that focus on factual issues that are within the direct knowledge or expertise of the particular reviewer.
  - g. All outside reviewers' comments (apart from minor editorial suggestions) obtained in steps c. - f. will be made available to the Board Members prior to their consideration of the final report.
- 5. The specific quality control procedures followed by the CSB prior to the dissemination of the other safety products described in section II. will be determined by the nature of the information and the manner of its distribution. As appropriate, other information products will be cleared for trade secret and/or CBI concerns and factual accuracy issues as described in section IV.A.4.a.-c., above.
- 6. Any information collected by the CSB that is subject to the Paperwork Reduction Act (PRA) will be collected, maintained, and used in a manner consistent with the PRA and the CSB information quality standards. The CSB PRA clearance package will demonstrate that the proposed collection of information will result in information that will be collected, maintained, and used in a way consistent with the Government-wide Guidelines and CSB guidelines.
- 7. When the Lead Office determines that the information it will disseminate is influential scientific, financial, or statistical information, care will be taken to include a high degree of transparency about data and methods to meet the Government-wide Guidelines' requirement for the reproducibility of such information. In determining the appropriate level of transparency, the Lead Office will consider the types of data that can practicably be subjected to a reproducibility requirement given ethical, feasibility, and confidentiality

- constraints. In making this determination, the Lead Office will hold analytical results to a higher standard than original data.
8. When the Lead Office determines that the information it will disseminate is influential scientific, financial, or statistical information, it will assure reproducibility according to commonly accepted scientific, financial, or statistical standards. In situations where public access to the data will not occur, the Lead Office will apply rigorous robustness checks to analytic results and document what checks were undertaken. Also, in such cases, the Lead Office should disclose the specific data sources that have been used and the specific quantitative methods and assumptions that have been employed.
  9. The Lead Office will consider the uses of the information to be disseminated both from the perspective of the CSB and the public. When it is determined that the transparency of information is relevant for assessing the information's usefulness from the public's perspective, the Lead Office will ensure that transparency is appropriately addressed.
  10. Hard-copy public dissemination of information and all safety information products published on CSB's Web site shall occur only after clearances are obtained from the Chief Operating Officer, the General Counsel, and the Chairperson.
  11. These guidelines focus on procedures for the "dissemination" of "information," as those terms are defined herein. Accordingly, procedures specifically applicable to forms of communication outside the scope of these guidelines, such as those for correspondence or press releases, among others, are not included.

**Conclusion:** The CSB will maximize the quality of the information it disseminates, in terms of objectivity and utility, first by looking for input from a range of sources and perspectives, to the extent practicable under the circumstances, and second by subjecting draft materials to a review process involving as many offices as may be in a position to

offer constructive input, as well as other government agencies, non-government organizations, and other interested parties.

## B. Integrity of Information

1. “Integrity” refers to the security of information – protection of the information from unauthorized, unanticipated, or unintentional modification – to prevent information from being compromised through corruption or falsification. To preserve the integrity of information and data that the CSB may ultimately disseminate, the CSB takes appropriate measures to ensure that the security of information and data is not compromised while it is being collected, maintained, or used by the agency. OMB Guidelines, para. V.4. These measures are intended to be consistent with legal requirements such as the Computer Security Act, 40 U.S.C. Section 759; the Government Information Security Reform Act, 44 U.S.C. Section 3531, *et seq.*; and other applicable laws. These measures extend to CSB contractors, consultants, experts, or others to the extent such information or data are shared with them on a non-public basis.
2. Within the CSB, the Chief Operating Officer has overall responsibility for ensuring the “integrity” of information as defined in these guidelines, including the design and implementation of the security architecture for the CSB computer network, periodic audits of security architecture components, and review and approval of changes to the technical baseline. By law and CSB policy, IT security policy, procedures, and controls are risk-based, cost-effective, and incorporated into the life-cycle planning of every IT investment. Additionally, the Office assesses risks to its systems and implements appropriate security controls; reviews annually the security of its systems; and develops plans to remediate all security weaknesses found in independent evaluations and other security audits and reviews.

## **V. Transparency of Underlying Data and Methods**

Consistent with applicable laws, regulations, orders, and policies, the CSB shall make underlying data and methods (e.g., sources and assumptions) used for "influential scientific or statistical information" available to the public as is appropriate. OMB Guidelines, para. V.3.b.ii. Where public access to "influential scientific or statistical" data and methods will not occur due to other compelling interests, the CSB shall apply rigorous checks to analytic results and document what checks were undertaken. The types of these checks, and the level of detail for documentation thereof, shall depend on the nature of the issues for which the CSB is responsible. OMB Guidelines, para. V.3.b.ii.B.ii.

To the extent that underlying data or methods are not part of the CSB's public record or otherwise published or publicly available, persons seeking access to such data or methods are required to follow applicable CSB requirements and procedures for seeking such access.

In all cases, the interest in the transparency of the CSB's data and methods shall not override other compelling interests such as national security, privacy, trade secrets, intellectual property, and other confidentiality protections. OMB Guidelines, para. V.b.3.ii.B.i.

## **VI. Documentation**

When necessary or appropriate, the CSB substantiates the quality of the information it has disseminated through documentation or other means appropriate to the information. OMB Guidelines, para. III.2. With respect to pre-dissemination review, this documentation may include intra- or inter-agency memoranda or communications, or other records or materials, including, where applicable, underlying data or methods, demonstrating that the information has been reviewed internally by appropriate agency staff or officials before it is disseminated to the public. As provided in the OMB Guidelines, the CSB will submit a report to OMB describing the number, nature, and resolution of information correction requests by each January 1, beginning in 2004.

## **VII. Administrative Mechanism for Seeking Correction of Information**

The CSB shall provide and maintain a mechanism in compliance with the OMB Guidelines by which affected persons may seek timely correction of information maintained and disseminated by the CSB. See Appendix A for details.

## **VIII. Compliance, Reporting, and Effective Date**

### **A. Compliance**

The CSB's Chief Operating Officer shall be responsible for agency compliance with these Guidelines. The COO shall respond to complaints in a manner appropriate to the nature and extent of the complaint. Examples of appropriate responses include personal contacts via letter or telephone, form letters, press releases, or mass mailings that correct a widely disseminated error or address a frequently raised complaint. The CSB shall submit (and, when required, post on its Web site, publish in the Federal Register, or otherwise make available) all reports, or notice thereof, required by Section 515 and the OMB Guidelines. Such reports shall include an annual fiscal year report submitted to the Director of OMB on the number and nature of complaints, if any, received by the CSB regarding agency compliance with the OMB Guidelines and how the agency resolved such complaints. This annual report is to be submitted no later than January 1 following the end of the relevant fiscal year, with the first report due January 1, 2004.

### **B. Reporting**

No later than each January 1, beginning in 2004, the CSB is required to submit an annual fiscal year report to the OMB Director on the number and nature of Section 515 correction requests received by the CSB and how the agency resolved those requests. Copies of these reports will be made publicly available through the CSB's Web site.

### **C. Effective Date**

Pursuant to Section 515 and paragraph III.4. of the OMB Guidelines, these Interim Final CSB Guidelines shall become effective immediately. The fact that an information product disseminated by CSB before this date is still maintained by the CSB (e.g., CSB

publications available on the Web site) does not make the information subject to these Guidelines or to the request for correction process. If a particular distribution of information is not covered by these Guidelines, the Guidelines may still apply to a subsequent distribution of the information in which the CSB adopts, endorses, or uses the information to formulate or support a regulation, guidance, or other Agency decision or position.

1. To the extent these Guidelines prescribe procedures for the pre-dissemination quality review of CSB information, such procedures shall apply only to information that the CSB first disseminates on or after the effective date of these guidelines.
2. The Guidelines do not apply to outdated or superseded CSB information that is provided as background information but no longer reflects CSB policy or influences CSB decisions.
3. To the extent these Guidelines prescribe a CSB administrative mechanism for affected persons to seek correction of information disseminated by the CSB, that mechanism shall apply only to information that the CSB disseminates on or after October 1, 2002, regardless of when the CSB first disseminated the information.

## **IX. Waiver**

Consistent with the OMB Guidelines, these information guidelines may be waived temporarily by a written determination by the Chairperson that there is an imminent threat to public health or safety, which requires the immediate dissemination of information by the CSB.



## **Appendix A**

### **Requests for Correction of Information Publicly Disseminated by the CSB**

The CSB works continuously to be responsive to users of its information and to ensure quality. In furtherance of these objectives, when the CSB receives any information that raises questions about the quality of the information it has disseminated, the CSB duly considers corrective action. The purpose of this corrective action is to serve the genuine and valid needs of the CSB without disrupting CSB processes, and to deal with information quality matters, not to resolve underlying substantive policy or legal issues.

#### **I. How to Seek Correction of Information Publicly Disseminated by the CSB**

If you are seeking to obtain correction of information disseminated by the CSB on or after October 1, 2002, because you believe the information does not comply with the Information Quality Guidelines issued by OMB or the CSB, please submit your request, with the subject "Petition for Correction," to:

Chief Operating Officer  
Chemical Safety and Hazard Investigation Board  
2175 K Street N.W., Suite 400  
Washington, DC 20037

To submit a request for correction through this process, you must be an "affected person" (i.e., someone who may benefit from or be harmed by the disseminated information) and your request must relate to "information" that is "disseminated" by the CSB within the meaning of the CSB Guidelines.

#### **II. Petitions for Correction**

A member of the public who seeks correction of information under these CSB guidelines has the burden of proof with respect to the necessity for correction as well as with respect to the type of correction requested. Requests for correction must include:

- a statement that the communication is a Petition for Correction under the CSB Information Quality Guidelines;

- identification of the CSB information or CSB information dissemination product, and the specific portion thereof, that is the subject of the petition;
- a specific description of how the information does not comply with these CSB guidelines or OMB Guidelines and how the petitioner is affected by the information;
- all supporting evidence which the petitioner believes provides a persuasive case and all supporting documentation necessary to resolve the complaint; and
- the specific corrective action sought, including (if applicable) temporary corrective action pending full resolution of the complaint.

If the information disseminated by the CSB and contested by an affected person was previously disseminated by another Federal agency in virtually identical form, then the complaint should be directed to the originating agency. These guidelines apply only to requests submitted as outlined above. These guidelines will not be applied to any other form of request and also may not be applied to a request submitted consistent with the procedures outlined above, if the CSB determines it is not submitted by an *affected person* for the correction of publicly *disseminated information* of the CSB.

### **III. Processing of Petitions for Correction**

A. Requests raising substantive issues will be forwarded for review to the Office within the CSB responsible for the subject area of the petition, typically to the Office of Investigations and Safety Programs.

B. Based on consultations with the reviewing office, the Chief Operating Officer (COO) normally will respond to the request within 60 days of receipt, excluding weekends and holidays. If the request requires more than 60 days to resolve, the COO will inform the requestor that more time is required and indicate the reason why and an estimated decision date. Delay in the CSB's response may be required if the petitioner modifies the original request, if the CSB needs to clarify the request, or if the CSB needs to consult with other agencies that may have an interest in the matter, although the CSB shall be solely responsible for determining how to respond to the request. If a request is deemed frivolous, made in bad faith or without justification, no response will be made.

C. For covered requests, the Office reviewing the request will give the request due consideration, including a review of the disseminated information at issue and other materials, as appropriate. Where the reviewing Office determines that the information publicly disseminated by CSB warrants correction, it will consider appropriate corrective measures.

D. When considering covered requests to determine whether a corrective action is appropriate, the reviewing Office may also consider the following factors:

1. The significance of the information involved; and
2. The nature and extent of the request and the public benefit of making the requested correction.

E. Subject to applicable law, rules and regulations, if the CSB determines that a request is covered by these guidelines and that action is appropriate, the CSB may take corrective measures through a number of forms, including (but not limited to): personal contacts via letter or telephone, form letters, press releases or postings on the CSB Web site to correct a widely disseminated error or to address a frequently raised request. Corrective measures, where appropriate, will be designed to provide reasonable notice to affected persons of such correction.

F. In cases where the CSB disseminates information for public comment prior to disseminating the final information product, requests for correction of information will be considered prior to disseminating the final information product in those cases where the CSB determines that: (1) an earlier response would not unduly delay dissemination of the CSB information product; and (2) the requestor has shown a reasonable likelihood of suffering actual harm from the CSB's dissemination if the CSB does not resolve the request for correction of information prior to dissemination of the final CSB information product.

G. Following the review process, the COO's initial response will either grant or deny the petition, in whole or part, and make appropriate corrections, if any, with the Board's approval. If the petition relates to information in which there is an opportunity for public comment, the petitioner may be required to seek correction of the information through

public comment, and the request will be referred to the responsible CSB staff for consideration and incorporation into the record of the relevant proceeding.

#### **IV. Procedures for Requesting Reconsideration**

A. The following procedures are available to an affected person who has filed a covered request for correction of public information in accordance with Section II. above; who received notice from the COO of the CSB's determination; and who believes that the CSB did not take appropriate corrective action. Requests determined by the CSB to be not covered by the guidelines and requests determined to be frivolous will not be reconsidered under these provisions. These procedures apply to information disseminated by the CSB on or after October 1, 2002, regardless of when information was first disseminated.

B. To request reconsideration, persons must clearly indicate that the communication is a "Request for Reconsideration;" must reference the CSB Information Quality Guidelines; and must include a copy of the petition for correction previously submitted to the CSB and the CSB's response. Resubmission must be made to the Chairperson of the CSB using the same address information in Section II., above. Requests for Reconsideration must be submitted within thirty (30) days of the date of the CSB's notification to the requester of the disposition of the underlying petition for correction.

C. The CSB's Chairperson (typically in consultation with the Office within CSB responsible for the subject matter) will consider the request for reconsideration, and make a determination regarding the request. Following the review process, the Chairperson's final response will either grant or deny the request for reconsideration, in whole or part, and make appropriate corrections if any, with the Board's approval. In most cases, the requestor will be notified of the determination and, if appropriate, the corrective action to be taken, within 60 days of receipt, excluding weekends and holidays. If the request for reconsideration requires more than 60 days for a response from the date of receipt, the CSB will inform the requestor of the extension, providing its reasons for the extension and an estimated decision date. The CSB will give reasonable notice to affected persons of any corrections made.